

Attorney Dock t No. 10006307-1

-8-

Remarks

Claims 1-13 and 15-19 remain in this application. Claim 14 has been cancelled. Claims 2, 7, 11 and 15 have been amended. Claims 1, 11 and 16 are independent claims.

A. Allowable Subject Matter

Applicant notes with appreciation that in an Office action dated February 5, 2004, claims 16-19 were identified as being allowed. Moreover, claims 3, 4, 14 and 15 were deemed to contain patentable subject matter, but were objected to as being dependent upon a rejected base claim. In response, Applicant has amended independent claim 11 to include the features of original claim 14, which has been cancelled. Claim 15 has been amended to change its dependency from cancelled from 14 to amended claim 11.

In view of the indication that original claim 14 was patentable over the prior art when combined with the features of its base claim, Applicant submits that amended claim 11 and its dependent claims are in an allowable condition.

B. Rejections Based Upon Thomason

Claims 1, 2, 5-11 and 13 were rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Thomason (WO 01/07996 A1). Additionally, claim 12 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Thomason. Claims 2 and 7 have been amended to more clearly distinguish the claimed invention from the cited prior art. In claim 2, the step of displaying the stack is more specifically described as being one in which each sequential presentation of the increased portions of the images is an automated response that is based merely on positioning the display icon so as to sequentially vary the foremost image as the display icon is scanned across the displayed stack. The "foremost image" is described as being the exception in the presentation of only a minor portion of each image. Support for the amendment to claim 2 may be found in steps 90, 102 and 104 of Fig. 5 and its associated text. At step 90, a stack of images is displayed. Then, cursor

movement is tracked (step 102) and transitory images are displayed on the basis of the cursor location (step 104).

Claim 7 has been amended to state that "revealing increased portions of the images" includes preserving the images within the displayed stack such that the displayed stack remains intact while pop-up images are generated. Support for the amendment may be found in Fig. 3, which shows the stack (50) remaining intact while the pop-up image (64) is generated as a result of placing the display icon (62) over its associated image (56) in the stack.

1. Patentability of Independent Claim 1

Claim 1 describes a method of accessing memory-stored items. A stack of partially overlapping images is displayed. As movement of a display icon across the stack is tracked, an increased portion of each image is revealed in response to detecting that the display icon is positioned in alignment with the image. Claim 1 states that the revealing is triggered independently from user-initiated designations other than the movement of the display icon.

In the Office action, Figs. 2a-4d are cited as allegedly anticipating the step of revealing an increased portion of each image as set forth in claim 1. Applicant respectfully asserts that the cited figures do not teach the revealing of an increased portion of an image independently from user-initiated designations other than the movement of a display icon. None of the ten figures includes a display icon. The text of the reference does refer to presenting increased portions of each application, but instead repeatedly and consistently describes the revealing as being a direct consequence of a user-initiated designation other than the movement of a display icon. Thomason teaches that revealing an increased portion of an image from within a stack of partially overlapping images occurs upon bringing the image in "focus." On page 2, lines 9-12 of the prior art reference, it is stated that a window normally gains and loses "focus" by being selected or deselected by a user (by clicking with a mouse in the window or using a predetermined combination of keys) or through some operation of the computer system, such as detection of an error in order to notify the user of the error. The invention of Thomason includes the three step process of (1) arranging a number of windows within a display area, (2) allowing one of the windows to gain focus, and (3) rearranging the

Attorney Docket No. 10006307-1

-10-

windows to expose the window in focus and to ensure that the other windows are at least partially exposed. On page 6 of Thomason, when referring to Figs. 2a and 3a, the changes of focus are consistently referred to as a consequence of "selection by the user."

Applicant has carefully reviewed the Thomason reference and is unable to find a teaching that "reads on" the description of the "revealing" as set forth in independent claim 1. In the Office action, it is asserted that Thomason discloses that a system will "reveal information about each application window" as a user browses or hovers the windows. This is not shown in the cited figures (Figs. 2a-4d). More importantly, the revealing of information "about each application window" does not anticipate the claim 1 language of revealing an increased portion of each image as a display icon is moved, where the revealing is triggered independently from user-initiated designations other than the movement of the display icon.

It is respectfully contended that the Thomason reference does not present a *prima facie* case of anticipation, as required under Section 102(a). Reconsideration of independent claim 1 is requested.

2. Patentability of Amended Claim 2

As previously noted, claim 2 has been amended to further define the "revealing" step of claim 1. Specifically, the sequential presentation of the increased portions of the images is described as an automated response that is based merely on positioning of the display icon so as to sequentially vary the foremost image.

In identifying the allowable subject matter of original claim 14, the Office action stated that the prior art of record fails to suggest a cursor-detection module that is sensitive to positioning of said cursor to generate said user-selected image based merely on said positioning of said cursor and further includes . . . Since the primary reference to Thomason teaches that any variation in the "foremost image" requires action other than the mere positioning of a display icon, the prior art does not anticipate, teach or suggest claim 2, as amended. Reconsideration of the claim in view of the amendment is requested.

Attorney Docket No. 10006307-1


-11-

3. Patentability of Amended Claim 7

Claim 7 states that the "revealing" includes preserving the image in the displayed stack such that the displayed stack remains intact while pop-up images are generated. This is shown in Figs. 3 and 4. In contrast, Thomason teaches that each time that a different window is selected by a user, the selected window is repositioned and the other windows are rearranged. The repositioning of the selected window does not anticipate, teach or suggest amended claim 7. Additionally, the rearranging of the "other" windows does not anticipate, teach or suggest amended claim 7. Consequently, it is respectfully asserted that the amendment to the claim places claim 7 in a condition for allowance.

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited. In the case that any issues regarding this application can be resolved expeditiously via a telephone conversation, Applicant invites the Examiner to call Terry McHugh at (650) 969-8458.

Respectfully submitted,



Terry McHugh
Reg. No. 63,261

Date: April 23, 2004

Telephone: (650) 969-8458

Facsimile: (650) 969-6216